

REMARKS

Reconsideration of the rejections of record is respectfully requested in light of the following comments. The claims have been amended to recite a method directed to taste perceptions, claims 1-6; and those directed to smell [olfaction] as recited in claims 13-18. Claims 7-12 have been canceled by this amendment.

Claims 1 and 13 have been amended to recite a specific number of parameters to be tested, the specific taste parameters and the olfaction parameters respectively that are to be tested and that the results are to be provided visually simultaneously. Support for the number of parameters is found on page 3, fourth full paragraph. Support for the taste modalities recited in claim 1 is found on page 5, first full paragraph. Similarly, the olfactory modalities recited in claim 13 are found on page 5, second full paragraph. Support for the display of the attributes simultaneously is found on page 4, first sentence in the Detailed Description of the Invention.

The invention is an improvement over the prior art in that multiple parameters are tested and simultaneously provided in a graphical image. The prior art measured a single attribute over time and did not provide for multiple parameters to be handled simultaneously and did not provide an instantaneous visual display.

Applicants respectfully submit that the pending amendment does not require the payment of additional fees since there are fewer than 20 claims pending, including two independent claims 1 and 13.

Before addressing the rejections of record, Applicants believe a brief overview of the claimed invention would be helpful. The claimed invention is directed to a method for conducting taste and smell panel

testing. The assignee of the present invention, International Flavors & Fragrances Inc., is the world's largest supplier of flavor and fragrance products. As a supplier of these materials, the assignee has teams of social scientists, such as physiologists that conduct panel testing of ingredients and products, to determine a subject's preferences and analyze the results.

The invention is an improvement over the prior art in that instead of testing one parameter or attribute of a flavor or smell the present invention provides for the simultaneous testing of the recited parameters. Not only are the parameters allowed to be tested simultaneously, but the method also provides visual feedback to the panelist to show the subject how altering one parameter effects the relative weighting of the other recited parameters. Applicants have discovered this provides better information and allows the subjects to see how increasing one attribute will effect the relative weighting of other attributes. Since the results are provided graphically, no mathematical computations are required by the subjects which makes it easier for the subjects and eliminates possible mathematical errors. These mathematical errors can cause the validity of data to be questioned or in a worse case to be discarded due to incorrect data.

Claims 1-12 stand rejected under 35 USC 101 as lacking utility. The Examiner states that ambiguities would make it impossible for the process to be repeatable or concrete. The Examiner states that different users would come up with different responses. The Examiner also states that there are numerous setting combinations which depending on the subject's preference would alter the subject's opinion. This leads the Examiner to conclude that the method is not reproducible and not a "concrete" process.

Applicants respectfully submit that the present invention is properly considered a business method that was found to comply with

the patent statute and is patentable as found in the State Street decision. As noted above, the present invention is directed to a method for conducting test panel preference testing and allowing those conducting the testing to test multiple parameters simultaneously and having the relative weighting of the attributes visually displayed to the test subjects.

Applicants respectfully submit that the present invention would also yield "concrete" or reproducible results if identical inputs are provided. Applicants respectfully submit that the Examiner is incorrect that the same results would not be found if given the identical preference input. Applicants agree with the Examiner's conclusion that it would be very unlikely for test subjects to come to the same inputs - thereby leading to a virtual infinite number of possibilities for the test outcomes.

Claims 1-12 are also rejected under 35 USC 112, first paragraph, that according to the Examiner the invention lacks patentable utility, one with skill in the art would not know how to use the claimed invention.

Applicants respectfully submit that a social scientist or other person who conducts panel tests, particularly those directed to taste and smell panel and preference testing would appreciate the use of the present method.

Claims 1-8 stand rejected under 35 USC 112, second paragraph, for being indefinite for failing to point out and distinctly claim the subject matter of the invention. The Examiner states that the term emotional state is indefinite. Claim 12 has been deleted thereby rendering this rejection moot.

In view of the amendment of the claims and the argument set forth above, Applicants respectfully submit that the claims distinctly claim the present invention and the invention is patentable as set forth under 35 USC Section 101. Accordingly, reconsideration and withdrawal of the rejection of the claims as lacking utility and for failing to comply with Section 112 is respectfully requested.

Claim 1 stands rejected under 35 USC 102 as anticipated in view of Reading Scientific Services Ltd. [RSSL]. The Examiner states that RSSL discloses a method for visually presenting the attributes of sensory perception scale on a computing device containing a plurality of attributes and requesting the subject to sample the test sample and ask the subject to rate the attributes of the samples, providing the data to a computing means, said computing means providing a visual interpretation on a screen.

Applicants respectfully submit that the RSSL disclosure fails to disclose the various taste parameters set forth in claim 1 and the RSSL disclosure fails to disclose the simultaneous visual mapping of these taste attributes.

Accordingly, reconsideration and withdrawal of the rejection of claim 1 as anticipated is respectfully requested.

Claims 2-12 stand rejected under 35 USC 103(a) as obvious over RSSL. The reason for rejection of the claims is set forth in the Office Action.

Applicants respectfully submit that the claims as amended are not suggested or made obvious by the RSSL disclosure. The pending claims recite a series of parameters for taste and smell to be simultaneously tested and instantaneously providing visual interpretation of the results of the relative weighting of the parameters. RSSL discloses on

page 1 of the materials, a time /intensity method and the interaction of the two parameters. Applicants respectfully submit that this does not suggest the recited 4 to 6 parameters, the recited group of parameters in the claims or the fact that the parameters would be displayed visually simultaneously relative to one another. The time/intensity plots disclosed by RSSL is an indication of the relative strength and decay of a single parameter over time. Applicants respectfully submit that this can not be fairly said to suggest the simultaneous testing of multiple parameters, and the simultaneous comparison of their relative strength displayed relative to one another.

In view of the amendment of the claims and the arguments set forth above, reconsideration and withdrawal of the rejection of the claims as obvious in view of RSSL is respectfully requested.

Applicants note the other art made of reference in the application but believe no further comment is necessary at this time. Applicants respectfully submit that the claims as amended clearly define the present invention and are in full compliance with all statutory provisions and recite patentable inventions in view of the prior art. Early and favorable consideration of the pending claims is earnestly solicited.

Respectfully submitted,



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